IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 23350 of 2004(D)

PETITIONER:

C.T.A. WILLIAM,
CLEARING AND FORWARDING AGENT, LEEGEES,
CORPORATION BUILDING, G.V. IYER RAOD, KOCHI-3,
RESIDING AT CHAMPADI HOUSE, NO.1/1303,
FORT KOCHI, KOCHI-1.

BY ADV. SRI.BOBBY JOHN

RESPONDENTS:

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1. K.G.LEELA, W/O. LATE E.N. GOPICHANDRAN,
AGED 70 YEARS, SINDOOR, KOTTAYAM-8, CO-OWNER OF
M/S. LEEGEE CORPORATION, G.V.IYER ROAD,
WILLINGTON ISLAND, KOCHI-3.

2. GEETHA RAMANUJAN, W/O. RAMANUJAN,
SANTO GOPALAN ROAD, KOCHI-5, CO-OWNER OF
M/S. LEEGEE CORPORATION, G.V. IYER ROAD,
WILLINGTON ISLAND, KOCHI-3.

3. ANITHA JAYAKUMAR, W/O. DR.JAYAKUMAR,
SINDOOR, KOTTAYAM, CO-OWNER OF M/S. LEEGEE
CORPORATION, G.V.IYER ROAD, WILLINGTON ISLAND,
KOCHI-3.

4. SANGEETHA JAISINGH,
W/O. JAISINGH GOVINDAN, KOTTAYAM, CO-OWNER OF
M/S. LEEGEE CORPORATION, G.V.IYER ROAD,
WILLINGTON ISLAND, KOCHI-3.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE RFA NO.33/2004 BEFORE THE HON'BLE SUB COURT, KOCHI DT.05.04.04.

EXT.P2 : TRUE COPY OF THE STAY PETITION IN RFA NO.33/04 BEFORE THE HON'BLE SUB COURT, KOCHI. DT.6.7.04.

EXT.P3 : TRUE COPY OF THE AFFIDAVIT EA NO.224/04 WITH PETITION IN EP NO.134/04 IN OS NO.420/02, DT.07.07.04.

EXT.P4 : TRUE COPY OF THE AFFIDAVIT WITH PETITION IN EP NO.134/04 IN OS NO.420/02 BEFORE THE HON'BLE MUNSIFF'S COURT, KOCHI DT.02.08.04.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 23350 OF 2004

Dated this the 21st day of June, 2007

JUDGMENT

In this Writ Petition the petitioner-judgment debtor impugns the order of arrest passed by the execution court in execution of a money decree. Interestingly the impugned order is yet to be produced by the petitioner. But considering the averments in the writ petition and the submissions of the counsel for the petitioner, this Court admitted this Writ Petition and granted stay for six months on condition that the petitioner pays in the court below a sum of Rs.25,000/- within two months from 06.08.2004. Learned counsel for the petitioner assets before me that the above condition has been complied with on time. Learned counsel also submits that in all probability the issue has been settled between the parties. I also think that the counsel is right. Whatever that be, I dispose of the Writ Petition by issuing the following directions:

The court below will verify whether the condition imposed by this Court on 06.08.04 that the petitioner pays a sum of Rs.25,000/- within two months is complied with by the petitioner. If it is seen on verification that the condition is complied with, the court below will hold up execution proceedings for six more months from today. It is open to the petitioner

to settle the liability by paying the decree debt in a lump or in instalments in the meanwhile. It is also ordered that, at any rate, beyond six months, the order of stay will not continue.

The Writ Petition is disposed of as above. No costs.

PIUS C. KURIAKOSE, JUDGE

btt